

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, D.C.

<i>In re</i>)	
)	
Adjustment of Cable Statutory License)	Docket No. 20-CRB-0008-CA
Royalty Rates)	(2020-2025)
)	

JOINT OPPOSITION TO “MOTION AMENDED JOINT PETITION TO PARTICIPATE” OF CIRCLE GOD NETWORK, INC. (DAVID POWELL)

Pursuant to the Order issued by the Copyright Royalty Judges (“Judges”) on October 20, 2020, NCTA – The Internet & Television Association, the Joint Sports Claimants, National Association of Broadcasters, Public Broadcasting Service, Devotional Claimants, Canadian Broadcasting Corporation, National Public Radio, Inc. , American Society of Composers Authors and Publishers, Motion Picture Association, Broadcast Music, Inc., and SESAC Performing Rights, LLC, each of which is a participant in the above-captioned royalty rate adjustment proceeding, hereby submit a joint opposition to the “Motion Amended Joint Petition to Participate” filed by Circle God Network, Inc. through David Powell, *pro se*.¹

Mr. Powell’s initial petition to participate was rejected by the Judges on the ground that it failed to sufficiently state Mr. Powell’s significant interest in the proceeding. The Judges provided Mr. Powell with an opportunity to file an amended petition that “clearly identifies the significant interest he claims to have in this proceeding.” Because the “Amended Joint Petition” submitted by Mr. Powell fails to include the requisite clear explication of Mr. Powell’s

¹ As a non-attorney, Mr. Powell may not represent corporate entities before the Board, as he purports to do in this proceeding. 37 C.F.R. § 303.2.

significant interest in this proceeding, the Judges should reject it and dismiss Mr. Powell from the proceeding.

While Mr. Powell’s “Amended Joint Petition” purports to contain a “Statement of significant interest,” that statement does not “clearly identif[y]” what that interest actually is, as required by the Judges’ October 20 Order. In particular, Mr. Powell’s “Motion Amended Joint Petition” is lacking in any discernible assertion of facts that would support a finding that Mr. Powell has a significant interest in the subject matter of the instant proceeding – the royalty rates payable for the secondary transmission of copyrighted broadcast television programming by cable television systems. Moreover, Mr. Powell’s amended petition fails to clearly identify the other “Joint Petitioners” that he now claims to be representing or provide any evidence that those unnamed entities have a significant interest in this proceeding.

This is not the first proceeding in which Mr. Powell has failed to satisfy the Judges’ pleading standards. As the Judges stated in response to one such filing, “The Judges cannot grant a request they cannot understand.” *Order Denying Powell Motion*, Consolidated Docket No. 2008-3 CRB DD (2007-2011 SRF) (March 25, 2019). *See also Order Granting AARC Motion to Dismiss David Powell and Circle God Network*, Consolidated Docket No. 2008-3 CRB DD (2007-2011 SRF) (Jan. 17, 2020); *Order Denying Powell Motion to be Added to Repayment Agreement*, Docket No. 16-CRB-0009 CD (2014-17) (Oct. 10, 2019); *Order Denying Powell Motion to be Added to Repayment Agreement*, Docket No. 16-CRB-0010-SD (2014-17) (Sept. 19, 2019).

In light of the patent deficiencies in Mr. Powell’s “Amended Joint Petition to Participate,” the Judges should dismiss Mr. Powell from this proceeding.

Respectfully submitted,

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PROOF OF DELIVERY

I hereby certify that on Tuesday, November 3, 2020 I provided a true and correct copy of the Joint Opposition to the following:

Global Music Rights, LLC, represented by Scott A. Zebrek served via Electronic Service at scott@oandzlaw.com.

Circle God Network, Inc., represented by David Powell, *pro se*, via Electronic Service at Davidpowell008@yahoo.com.

Signed: /s/ Seth A. Davidson

Proof of Delivery

I hereby certify that on Tuesday, November 03, 2020, I provided a true and correct copy of the JOINT OPPOSITION TO "MOTION AMENDED JOINT PETITION TO PARTICIPATE" OF CIRCLE GOD NETWORK, INC. (DAVID POWELL) to the following:

Circle god Network Inc, represented by David Powell, served via ESERVICE at davidpowell008@yahoo.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at scott@oandzlaw.com

Signed: /s/ Seth A Davidson